IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEITH A. MESSNER, Plaintiff,)	
v.	Ì	C.A. No. 07-112 ERIE
DENISE BUNNER, et al, Defendants.	}	

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on May 15, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge filed a report and recommendation on <u>January 26</u>, 2009, recommending that Plaintiff's motion for Preliminary Injunction (Doc. #32) be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff at SCI Albion, where he is incarcerated, and on Defendants. No objections were filed.

In addition, the magistrate judge filed a report and recommendation on <u>April 9, 2009</u>, recommending that Plaintiff's motion for Preliminary Injunction/Temporary Restraining Order (Doc. #45) be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff at SCI Albion, where he is incarcerated, and on Defendants. No objections were filed.

After <u>de novo</u> review of the pleadings and documents in the case, together with respective reports and recommendations, the following order is entered:

AND NOW, this ________ day of May, 2009, it is HEREBY ORDERED, ADJUDGED, and DECREED as follows:

- 1. Plaintiff's motion for preliminary injunction (Doc. #32) is DENIED. The report and recommendation of Magistrate Judge Baxter, dated January 26, 2009, is adopted as the opinion of the court.
- 2. Plaintiff's motion for preliminary injunction/temporary restraining order (Doc. #45) is DENIED. The report and recommendation of Magistrate Judge Baxter, dated April 9, 2009, is adopted as the opinion of the court.

MAURICE B. COHILL, JR.
United States District Judge

cc: Susan Paradise Baxter U.S. Magistrate Judge all parties of record